

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CANDY M. SOUSA, On Behalf of Herself and All Others Similarly Situated,	)	No. 04-30022-MAP
Plaintiff,	)	<u>CLASS ACTION</u>
vs.	)	
WAVE SYSTEMS CORPORATION, et al.,	)	
Defendants.	)	
<hr/>		
YOSEF STREICHER, On Behalf of Himself and All Others Similarly Situated,	)	No. 04-30026-KPN
Plaintiff,	)	<u>CLASS ACTION</u>
vs.	)	
WAVE SYSTEMS CORPORATION, et al.,	)	
Defendants.	)	
<hr/>		

[Caption continued on following page.]

AFFIDAVIT OF NANCY FREEMAN GANS IN SUPPORT OF RON ROGERS AND STEVE  
ALVAREZ'S MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO  
COMPETING LEAD PLAINTIFF MOTIONS

RAFAT DAWOD, Individually and On Behalf of All Others Similarly Situated, Plaintiff, ) vs. ) WAVE SYSTEMS CORPORATION, et al., Defendants. )  
\_\_\_\_\_  
ALVIN CHESS, Individually and On Behalf of All Others Similarly Situated, Plaintiff, ) vs. ) WAVE SYSTEMS CORPORATION, et al., Defendants. )  
\_\_\_\_\_  
MICHAEL D. VICKER, On Behalf of Himself and All Others Similarly Situated, Plaintiff, ) vs. ) WAVE SYSTEMS CORPORATION, et al., Defendants. )  
\_\_\_\_\_  
Civil Action No. 04-30029-KPN  
CLASS ACTION  
Civil Action No. 04-30037-MAP  
CLASS ACTION  
Civil Action No. 04-30040-MAP  
CLASS ACTION

[Caption continued on following page.]

H. MARTIN BOHMAN, On Behalf of Himself) Civil Action No. 04-30041-MAP  
and All Others Similarly Situated, )  
Plaintiff, )  
vs. )  
WAVE SYSTEMS CORPORATION, et al., )  
Defendants. )  
\_\_\_\_\_  
JIMMY SUO, On Behalf of Himself and All ) Civil Action No. 04-30042-MAP  
Others Similarly Situated, )  
Plaintiff, )  
vs. )  
WAVE SYSTEMS CORPORATION, et al., )  
Defendants. )  
\_\_\_\_\_  
JACK SCHULMAN, Individually and On ) Civil Action No. 04-30043-MAP  
Behalf of All Others Similarly Situated, )  
Plaintiff, )  
vs. )  
WAVE SYSTEMS CORPORATION, et al., )  
Defendants. )

I, Nancy Gans, declare as follows:

1. I am an attorney duly licensed to practice before all of the courts of the State of Massachusetts. I am a member of the law firm of Moulton & Gans, P.C., one of the proposed liaison counsel of record for plaintiffs in the above-entitled action. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. Attached are true and correct copies of the following exhibits:

Exhibit A: Subscription pricing list for *Barron's* magazine; and

Exhibit B: *Barron's* paid magazine publishers statement

3. I declare under penalty of perjury that the foregoing is true and correct. Executed this 16th day of April, 2004, at Boston, Massachusetts.

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|s\ Nancy Freeman Gans  
NANCY FREEMAN GANS

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DECLARATION OF SERVICE BY FEDERAL EXPRESS AND FACSIMILE

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, a citizen of the United States and employed in the City and County of San Francisco, over the age of 18 years, and not a party to or interest in the within action; that declarant's business address is 100 Pine Street, Suite 2600, San Francisco, California 94111.

2. That on April 16, 2004, declarant served by Federal Express the **AFFIDAVIT OF NANCY FREEMAN GANS IN SUPPORT OF RON ROGERS AND STEVE ALVAREZ'S MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO COMPETING LEAD PLAINTIFF MOTIONS** to the parties listed on the attached Service List. Declarant also served the parties by facsimile.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 16th day of April, 2004, at San Francisco, California.

---

\s\ Caroline Wiley  
CAROLINE A. WILEY

WAVE SYSTEMS (Mass)

Service List - 4/15/2004 (04-0046M)

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WAVE SYSTEMS (Mass)

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